

Peter B. Foster (Bar No. PF0851)  
Bryan E. Wolkind (Bar No. BW9747)  
Foster & Wolkind, P.C.  
80 Fifth Avenue, Suite 1401  
New York, New York 10011  
Phone (212) 691-2313  
Email: [pfoster@foster-wolkind.com](mailto:pfoster@foster-wolkind.com); [bwolkind@foster-wolkind.com](mailto:bwolkind@foster-wolkind.com)  
Attorneys for Pravati Investment Fund IV, LP

Benjamin Pierce (Bar No. 035096)  
1787 Legal Group  
4400 North Scottsdale Road, Suite 9277  
Scottsdale, Arizona 85251  
Email: [ben@1787legalgroup.com](mailto:ben@1787legalgroup.com)  
Phone: (602) 284-3130  
*Attorney for Pravati Investment Fund IV, LP*

**IN THE U.S. DISTRICT COURT EASTERN DISTRICT OF NEW YORK**

**AMY MOORE, MIA LYTELL,  
NATASHA TAGAI, EMMA HOPPER,  
BRITTANY HASSEN, and BRITTANY  
REYES,**

Plaintiff,

**PRAVATI INVESTMENT  
FUND IV, LP**

Intervening Plaintiff,

vs.

**HOWARD RUBIN, and JENNIFER**

**POWERS,**

Defendants.

**Case No.:1:17-cv-06404-BMC-CLP**

**PRAVATI INVESTMENT FUND IV,  
LP'S PLEA TO INTERVENE**

Intervenor Pravati Investment Fund IV, LP (“Intervenor”) hereby files this plea pursuant to Federal Rule of Civil Procedure 24(a) and (b). A motion pursuant to the same, and fully explaining this plea, is filed herewith.

**I. Parties and Service of Process**

1. Amy Moore is believed to reside in Daytona Beach, Florida.

2. Natasha Tagai is believed to reside in Daytona Beach, Florida.

3. Mia Lytell is believed to be an unmarried woman whose current residence is unknown.

4. Emma Hopper is believed to be an unmarried woman whose current residence is unknown.

5. Brittany Hassen is believed to be an unmarried woman whose current residence is unknown.

6. Brittany Reyes is believed to be an unmarried woman whose current residence is unknown.

7. Howard Rubin is believed to be an unmarried man residing in New York, New York.

**II. Relevant Facts**

1. On or about March 13, 2018, Intervenor’s predecessor in interest, Pravati Credit Fund III LP, entered into a funding agreement with Balestriere PLLC d/b/a Balestriere Fariello. Mr. John Balestriere was the guarantor for the loan.

2. The collateral for the monies loaned to Balestriere Fariello was the contingent recovery in the present matter. Per Balestriere Fariello’s Engagement letter, ECF458-2, Balestriere Fariello is owed 40% of any recovery in this matter.

3. Intervenor and Balestriere Fariello entered into several subsequent funding agreements. The recovery in this matter was always included as collateral for the loans.

4. Intervenor first recorded a lien on Balestriere Fariello's recovery in this case on October 23, 2018. It thereafter filed amended UCC-3 liens on the firm's recovery on several subsequent occasions.

5. Pravati Credit Fund III LP's interest was eventually transferred to Intervenor via the funding agreements.

6. Eventually Balestriere Fariello breached the terms of the funding agreements. Intervenor filed suit in AAA arbitration.

7. A final arbitration award was issued on March 7, 2024.

8. After vigorous litigation, the award was confirmed on March 27, 2025.

9. The judgment is in the process of being domesticated in New York state.

### **III. Claim**

10. As explained in the Motion to Intervene filed herewith, Intervenor has a property interest in Balestriere Fariello's recovery in this case.

11. This property interest arises out of various contractual funding agreements with Balestriere Fariello and has been recorded since October 2018.

12. Since Balestriere Fariello has dissolved and withdrawn from this matter, no party remains to represent Intervenor's interest.

13. No current litigant will be prejudiced by Intervenor's intervention because Intervenor merely seeks to secure a derivative interest that will be disposed of at the conclusion of this suit. Further, this matter is currently on appeal. Intervenor's intervention does not inject an appealable issue into this matter and all substantive matters are stayed before this court pending the result of the appeal.

### **IV. Prayer for Relief**

WHEREFORE, Intervenor requests that the Court award directly to Intervenor the current amount owed, and its share of any settlement, verdict, or other recovery to be paid by Defendants, in addition to such other and further relieve to which Intervenor may be entitled to at law or in equity.

1 DATED May 19, 2025.

2 By: /s/ Peter Foster

3 Peter Foster  
4 *Attorney for Pravati Investment Fund IV, LP*

5  
6 By: /s/ Benjamin Pierce

7 Benjamin Pierce  
8 *Attorney for Pravati Investment Fund IV, LP*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2025, a copy of the foregoing document was filed electronically with the Clerk of the Court and served on all counsel of record using the CM/ECF system. Copies have also been sent to Defendant's counsel at [benjamin.rosenberg@dechert.com](mailto:benjamin.rosenberg@dechert.com); [edward.mcdonald@dechert.com](mailto:edward.mcdonald@dechert.com); [MGilbert@sheppardmullin.com](mailto:MGilbert@sheppardmullin.com); [cisaacs@fordobrien.com](mailto:cisaacs@fordobrien.com); [kboyskipsey@sheppardmullin.com](mailto:kboyskipsey@sheppardmullin.com); [may.chiang@dechert.com](mailto:may.chiang@dechert.com); [dgrover@schlamstone.com](mailto:dgrover@schlamstone.com); [jme@schlamstone.com](mailto:jme@schlamstone.com); [ali@schlamstone.com](mailto:ali@schlamstone.com); [jlavignealbert@schlamstone.com](mailto:jlavignealbert@schlamstone.com); [jmazer@mazerpllc.com](mailto:jmazer@mazerpllc.com); [rhdschlamstone.com](mailto:rhdschlamstone.com).

By: /s/ Peter Foster

Peter Foster

By: /s/ Benjamin Pierce

Benjamin Pierce